

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

RICHARD BAYS,

Petitioner,

: Case No. 3:08-cv-076

- vs -

District Judge Thomas M. Rose
Magistrate Judge Michael R. Merz

WARDEN, Ohio State Penitentiary,

:

Respondent.

RECOMMITTAL ORDER

This capital habeas corpus case is before the Court on Objections/Appeal by Petitioner (Doc. No. 267) to the Magistrate Judge's Substituted Report and Recommendations (Doc. No. 265).

The District Judge has preliminarily considered the Objections and believes they will be more appropriately resolved after further analysis by the Magistrate Judge. Accordingly, pursuant to Fed. R. Civ. P. 72(b)(3), this matter is hereby returned to the Magistrate Judge with instructions to file a supplemental report analyzing the Objections and any objections filed by Petitioner and making recommendations based on that analysis.

December 1, 2017.

*s/Thomas M. Rose

Thomas M. Rose
United States District Judge